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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,374	11/28/2001	Rudolf Stockhammer	HPBC C-87	1335
7590	10/05/2004			
David S Goldenberg Flynn Thiel Boutell & Tanis 2026 Rambling Road Kalamazoo, MI 49008-1699				
			EXAMINER HOLLOWAY III, EDWIN C	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,374

Applicant(s)

STOCKHAMMER, RUDOLF

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-28-01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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EXAMINER'S RESPONSE

1. In response to the application and the preliminary amendment filed 11-28-01, the preliminary amendment has been entered and the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Objections

2. Claim 1 is objected to because of the following informalities: In claim 1 line 4 "for reading and for reading" is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 102 & 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) in combination with Sheldon (US 5504321). Hohle '477 discloses a method for booking

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an entitlement such as reserving airline, hotel or rental car using cardholder identification on a data carrier in the form of a smart card or IC card. Communication is provided via access points or terminals 15 that communicate over a telecommunication network 19 shown in fig. 10. Entitlement data may be stored on the card when making the reservation, or upon arrival at the facility, e.g. when the original transaction is off-line. See col. 26 line 34 col. 27 line 39. Hohle '477 differs from the claimed invention by not specifying visible data on the carrier. Sheldon discloses an analogous art reservation system with visible data on a data carrier that also includes a read/write memory. The visible data includes identification data (figs. 1 and 7). See the entire document. Regarding claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hohle '477 the visible data of Sheldon for convenience. Regarding claim 2, Hohle '477 and Sheldon disclose IC or chip card carriers storing identification data and Sheldon includes visible indication of the identification data. Regarding claim 3, Hohle '477 includes contactless communication in line 33. Regarding claim 4, Hohle '477 includes a server in claim 14 line 4. Regarding claim 5, communication to only the first terminal would have been obvious in order to reduce costs. Regarding claim 6, the kiosk or desk

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of Hohle '477 are considered to be stationary.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) and Sheldon (US 5504321) as applied above in view of Forslund (US 6250557). Forslund discloses an mobile phone and smart card that may be used for transactions such as reservation. Col. 1 lines 122-23 discloses that smart cards are conventionally included in cellular phones. Regarding claims 1-6, if it is not clear that the user submits the ID over the telecommunication network in the combination applied above, then it would have been obvious in view of the conventional transaction were the user stated the card account number over the phone in col. 2 lines 15-20 of Forslund. Regarding claims 7-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the mobile communication and card in mobile phone as disclosed in Forslund in order to provide convenience and increased security.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohle '477 (US 6101477) and Sheldon (US 5504321) as applied above in view of Pinnow (US 4573046). The data carrier on a watch would have been obvious in view of the watch apparatus of Pinnow for convenient access control.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friedes (US 5521966) and Hohle '762 (US 6199762) discloses reservation systems.

CONTACT INFORMATION


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
9/30/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635